



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Darst, et al.

Serial No.: 09/782,714

Filed: February 13, 2001

For: *A Crystal of Bacterial Core RNA Polymerase*

Examiner: Borin, Michael L.

Group Art Unit: 1631

Docket No.: IPT-011.02  
(23298-01102)

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**Commissioner for Patents**

P.O. Box 1450

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

August 26, 2004  
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By:

  
John Barretto

**NOTICE OF APPEAL TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner finally rejecting Claims 1-8, mailed April 26, 2004. A Response to the decision and Amendment after Final are filed concurrently herewith.

A check in the amount of the Appeal Fee of \$165.00 for a small entity is enclosed.

We believe that we have appropriately provided for fees due in connection with this submission, however, if there are any other fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. **06-1448** (Reference IPT-011.02).

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

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Respectfully submitted,  
FOLEY HOAG, LLP

By: 

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